

Application No.: 10/666,579
Amdt dated: October 17, 2006
Reply to Office action of August 17, 2006

REMARKS/ARGUMENTS

This Amendment is filed in response to the Office action that was mailed on August 17, 2006. Claims 1-16, 18, 19, 25 and 28-35 are canceled without prejudice. Claims 26 and 27 have been canceled previously. By this amendment, Claims 17, 20, 21, 23, 24 and 36 are amended. The amendments do not introduce new matter as they are fully supported by the Claims, Specification and drawings as originally filed or are inherent characteristics of the Claims, Specification and drawings. Applicants respectfully request reconsideration and allowance of all claims in view of the following remarks.

The Amendment filed June 14, 2006 was objected to under 35 U.S.C. § 132(a) for allegedly introducing new matter into the disclosure. It is indicated in the Office action that the added material that is not supported by the original disclosure is that the seal can accommodate instruments having diameters up to 37 mm "or more." Applicants have amended the specification (in the paragraphs beginning at: page 2, line 8; page 2, line 18; page 6, line 1; and in the Abstract of the Disclosure on page 23 of the Application) by replacing the term "up to 37 mm or more" with the term "up to about 37 mm." These amendments do not add any new matter as support for the matter is found in the Specification, Claims and drawings as originally filed. Based on the foregoing, Applicants respectfully submit that the rejection of the Specification is now moot and request that the rejection of the Specification under 35 U.S.C. § 132(a) be reconsidered and removed.

Application No.: 10/666,579
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Claims 1-16, 25 and 28-35 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. As stated above, by this Amendment, Applicants cancel Claims 1-16, 25 and 28-35 without prejudice. Based on the foregoing, Applicants respectfully submit that the rejection of Claims 1-16, 25 and 28-35 is now moot and request that the rejection of Claims 1-16, 25 and 28-35 under 35 U.S.C. § 112, first paragraph, be reconsidered and removed.

Claims 5 and 36-39 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention based on the use of the trademark/trade name Kraton® in the claims. By this amendment, Applicants have canceled Claim 5 without prejudice and have amended Claim 36 by replacing the term "Kraton" with the term "Styrene-Ethylene/Butylene-Styrene block copolymer." The amendment does not introduce new matter as it is fully supported by the Specification and Claims as originally filed or is an inherent characteristic of the Specification and Claims. As such, Applicants respectfully submit that Claim 36 is in condition for allowance. Applicants also respectfully submit that Claims 37-39, which depend from Claim 36, are also in condition for allowance as depending from an allowable claim.

Claims 17 and 18 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,033,426 to Kaji. As stated more specifically below, the elements of Claims 18 and 19 were incorporated into Claim 17 to overcome an objection of Claim 19, and Claims 18 and 19 were canceled without prejudice. Based on the foregoing,

Application No.: 10/666,579
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Applicants respectfully submit that the rejection of Claims 17 and 18 is now moot and request that the rejection of Claims 17 and 18 under 35 U.S.C. § 102(b) be reconsidered and removed.

Applicants note with appreciation that Claims 19-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 19 depended from Claims 17 and 18. By the present Amendment, Claim 17 was amended to incorporate all of the elements of Claims 18 and 19, and Claims 18 and 19 were canceled without prejudice. As such, Applicants respectfully submit that Claim 17 is in condition for allowance. Applicants also amended Claims 20, 23 and 24 to depend from currently amended Claim 17. Hence, Applicants also respectfully submit that Claims 20, 23 and 24 are also in condition for allowance as depending from an allowable claim.

Claim 21 was amended to incorporate all of the elements of previously amended Claims 17 and 18, from which it depended. As such, Applicants respectfully submit that Claim 21 is in condition for allowance. Applicants also respectfully submit that Claim 22, which depends from Claim 21, is also in condition for allowance as depending from an allowable claim.

Applicants respectfully request that a timely Notice of Allowance be issued in this case. If the Examiner believes that a telephone conference with Applicants' attorney

Application No.: 10/666,579
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might expedite prosecution of the Application, the Examiner is invited to call at the telephone number indicated below.

Sincerely

APPLIED MEDICAL RESOURCES

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